

PART 3

GUIDELINES ON CHARACTERIZATION OF SERVICE AND
UNCHARACTERIZED SEPARATIONS

A. Types of Characterization or Description

1. At separation, the following types of characterization of service or description of separation are authorized under this instruction:

a. Separation with characterization of service as Honorable, General (under honorable conditions), or Under Other Than Honorable Conditions.

b. Entry Level Separation.

c. Order of release from the custody and control of the Military Services by reason of void enlistment or induction.

d. Separation by being dropped from the rolls of the naval service.

2. Any of the types of separation listed in this section may be used in appropriate circumstances unless a limitation is set forth in this section or in part 1 (Reasons for Separation).

B. Characterization of Service

1. General Considerations

a. Characterization at separation shall be based upon the quality of the servicemember's enlisted service, including the reason for separation and guidance in subsection B2, subject to the limitations set forth under various reasons for separation in part 1. The quality of service will be determined in accordance with standards of acceptable personal conduct and performance of duty for naval personnel. These standards are found in articles 1-140 of the UCMJ (reference (d)), directives and regulations issued by DOD and the Department of the Navy, and the time-honored customs and traditions of naval service.

b. The quality of service of a servicemember on active duty or active duty for training is affected adversely by conduct that is of a nature to bring discredit on the naval service or is prejudicial to good order and discipline, regardless of whether the conduct is subject to UCMJ jurisdiction. Characterization

may be based on conduct in the civilian community, and the burden is on the respondent to demonstrate that such conduct did not adversely affect the respondent's service.

c. The reasons for separation, including the specific circumstances that form the basis for the separation, shall be considered on the issue of characterization. As a general matter, characterization will be based upon a pattern of behavior rather than an isolated incident. There are circumstances, however, in which the conduct or performance of duty reflected by a single incident provides the basis for characterization.

d. Due consideration shall be given to the servicemember's age, length of service, grade, aptitude, physical and mental condition, and the standards of acceptable conduct and performance of duty.

2. Types of Characterization

a. Honorable. The Honorable characterization is appropriate when the quality of the member's service generally has met the standards of acceptable conduct and performance of duty for naval personnel, or is otherwise so meritorious that any other characterization would be clearly inappropriate. In the case of an Honorable Discharge, an Honorable Discharge Certificate (DD 256) will be awarded and a notation will be made on the appropriate copies of the DD 214/5 per DOD Directive 1336.1 reference (v)).

b. General (under honorable conditions). If a member's service has been honest and faithful, it is appropriate to characterize that service under honorable conditions. Characterization of service as General (under honorable conditions) is warranted when significant negative aspects of the servicemember's conduct or performance of duty outweigh positive aspects of his or her naval record.

c. Under Other Than Honorable Conditions

(1) This characterization may be issued in the following circumstances:

(a) When the reason for separation is based upon a pattern of behavior that constitutes a significant departure from the conduct expected of servicemembers of the naval service.

(b) When the reason for separation is based upon one or more acts or omissions that constitute a significant

departure from the conduct expected of servicemembers of the naval service. Examples of factors that may be considered include the use of force or violence to produce serious bodily injury or death, abuse of a special position of trust, disregard by a superior of customary superior-subordinate relationships, acts or omissions that endanger the security of the United States or the health and welfare of other servicemembers of the Military Services, those punishable by punitive discharges, extended unauthorized absence, drug abuse, drug distribution (trafficking) and deliberate acts or omissions that seriously endanger the health and safety of other persons.

(c) This characterization is authorized only if the servicemember has been afforded the opportunity to request an Administrative Board, except as provided in section L of part 1 (Separation in Lieu of Trial by Court-Martial).

3. Limitations on Characterization. Except as otherwise provided in this subsection, characterization will be determined solely by the servicemember's enlisted service record during the current enlistment or period of service to which the separation pertains, plus any extensions thereof prescribed by law or regulation or effected with the consent of the member.

a. Prior service activities, including records of conviction by court-martial, records of absence without leave, or commission of other offenses shall not be considered on the issue of characterization. To the extent that such matters are considered on the issue of retention or separation (subsection A.2. of this part), the record of proceedings may reflect express direction that such information shall not be considered on the issue of characterization.

b. Preservice activities may not be considered on the issue of characterization except as follows: in a proceeding concerning fraudulent entry into the naval service (subsection E4 of part 1), evidence of preservice misrepresentations about matters that would have precluded, postponed, or otherwise affected the servicemember's eligibility for enlistment or induction may be considered on the issue of characterization.

c. The limitations in subsection A3 of this part, above, as to matters that may be considered on the issue of separation are applicable to matters that may be considered on the issue of characterization.

d. Conduct in the civilian community of a servicemember of a Reserve component who is not on active duty or active duty for training may form the basis for characterization Under Other Than Honorable Conditions only if such conduct directly affects the performance of military duties. Such conduct may form the basis of characterization as General (under honorable conditions) only if such conduct has an adverse impact on the overall effectiveness of the service, including morale and efficiency.

e. A servicemember's voluntary submission to a DOD treatment and rehabilitation program and voluntarily disclosed evidence of prior personal drug use by the servicemember as part of a course of treatment in such a program may not be used against him or her on the issue of characterization. This limitation does not apply to:

(1) The introduction of evidence for impeachment or rebuttal purposes in which the evidence of drug abuse (or lack thereof) has been introduced first by the servicemember.

(2) Taking action based on independently derived evidence, including evidence of continued drug abuse after initial entry into a treatment and rehabilitation program.

f. The results of a urinalysis may be used on the issue of characterization except as provided in SECNAVINST 5300.28B (reference (s)).

C. Uncharacterized Separation

1. Entry Level Separation

a. A separation shall be described as an Entry Level Separation if separation processing is initiated while a servicemember is in entry level status, except when:

(1) characterization Under Other than Honorable Conditions is authorized under the reason for separation in part 1 and is warranted by the circumstances of the case; or

(2) characterization as Honorable is clearly warranted by the presence of unusual circumstances involving personal conduct and performance of naval duty and is approved on a case-by-case basis by the Secretary of the Navy. This characterization will be considered when the servicemember is separated by reason of Selected Changes in Service Obligations, Convenience of the Government, Disability, or Secretarial Plenary Authority (subsections B, C, D, and P of part 1).

b. With respect to administrative matters outside this instruction that require a characterization as Honorable or General, an Entry Level Separation shall be treated as the required characterization. This provision does not apply to administrative matters that expressly require different treatment of an Entry Level Separation except as provided in subsection C1c.

c. Per section 12685 of reference (b), an Entry Level Separation for a servicemember of a Reserve component separated from the Delayed Entry Program is "under honorable conditions."

2. Void Enlistments or Inductions. A servicemember whose enlistment or induction is void shall not receive a discharge certificate, characterization of service at separation, or an Entry Level Separation. If characterization or an Entry Level Separation is not required, the separation shall be described as an order of release from custody or control of the naval service. However, when a constructive enlistment arises, characterization of service is required under subsection C2c.

a. An enlistment is void in the following circumstances:

(1) If it was effected without the voluntary consent of a person who has the capacity to understand the significance of enlisting in the naval service, including enlistment of a person who is intoxicated or insane at the time of enlistment. (10 U.S.C. 504 (reference (b)); Article 2(b) UCMJ (reference (d))).

(2) If the person is under 17 years of age. (10 U.S.C. 505 (reference (b))).

(3) If the person is a deserter from another Military Service. (10 U.S.C. 504 (reference (b))).

b. Although an enlistment may be void at its inception, a constructive enlistment shall arise in the case of a person serving with the Department of the Navy who:

(1) Submitted voluntarily to military authority;

(2) Met the mental competency and minimum age qualifications of sections 504 and 505 of references (b), at the time of voluntary submission to military authority;

(3) Received military pay or allowances; and

(4) Performed military duties.

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c. If an enlistment that is void at its inception is followed by a constructive enlistment within the same term of service, characterization of service or description of separation shall be in accordance with subsections B or C1 of this part, as appropriate; however, if the enlistment was void by reason of desertion from another Military Service, the servicemember shall be separated by an order of release from the custody and control of the naval service regardless of any subsequent constructive enlistment. The occurrence of such a constructive enlistment does not preclude the separation authority in appropriate cases, from either retaining the servicemember or separating the servicemember under section E of part 1 on the basis of the circumstances that occasioned the original void enlistment or upon any other basis for separation provided in this instruction.

3. Dropping from the Rolls. A member (officer or enlisted) may be dropped from the rolls of the naval service when such action is authorized by the Department of the Navy and a characterization of service or other description of separation is not authorized or warranted.